

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 29, 2003
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:11 p.m. The meeting was adjourned by Mayor Murphy at 3:38 p.m. into Closed Session at 9:00 a.m. on Tuesday, September 30, 2003, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Maland (pr)

FILE LOCATION: MINUTES

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ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Matt Hammett of College Avenue Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

FILE LOCATION: MINUTES

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ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

09/01/2003 Adjourned

09/08/2003

09/09/2003

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:15 p.m.)

MOTION BY MADAFFER TO APPROVE. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Ericka Lorenz Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-258) ADOPTED AS RESOLUTION R-298426

Recognizing Ericka Lorenz for her outstanding performance in water polo at the 2003 FINA World Championships and Pan American Games representing San Diego and the United States of America;

Proclaiming September 29, 2003 to be "Ericka Lorenz Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:20 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Jim Brown Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-205)

CONTINUED TO MONDAY, OCTOBER 13,
2003

Commending Jim Brown for providing the City of San Diego with an excellent program manager for 29 years;

Proclaiming September 29, 2003 to be "Jim Brown Day" in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:21 p.m.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO MONDAY, OCTOBER 13, 2003, TO ALLOW JIM BROWN TO BE PRESENT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-50: Otay Mesa East.

(Otay Mesa Community Plan Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 9/16/2003. (Council voted 8-0. Councilmember Peters not present):

Subitem-A: (O-2004-23) ADOPTED AS ORDINANCE O-19216 (New Series)

Rezoning the property located in the 6600 Block of Otay Mesa Road in the Otay Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone (previously referred to as the A-1-10 Zone) to the OMDD-C Zone, as defined by San Diego Municipal Code Section 103.1103(a);

Subitem-B: (O-2004-24) ADOPTED AS ORDINANCE O-19217 (New Series)

Amending Chapter 10, Article 3, Division 11 of the San Diego Municipal Code by amending Section 103.1103 relating to permitted uses in the Otay Mesa Development District.

FILE LOCATION: SUBITEMS A & B: LUP-Otay Mesa East 9/16/03 (65)

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-51: Amendments to Medical Cannabis Voluntary Verification Card Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 9/16/2003. (Council voted 6-3. Councilmembers Maienschein, Madaffer, and Mayor Murphy voted nay):

(O-2004-5 Rev.) ADOPTED AS ORDINANCE O-19218 (New Series)

Amending the San Diego Municipal Code by amending Chapter 4, Article 2, Division 13 by amending Section 42.1301, 42.1302, 42.1303, 42.1304, 42.1305, and 42.1306; by renumbering and amending existing Sections 42.1307 and 42.1308, respectively to 42.1309 and 42.1310; by adding new Sections 42.1307 and 42.1308; by deleting existing Section 42.1311; by renumbering and amending existing Sections 42.1309 and 42.1310, respectively to 42.1311 and 42.1312; and

by adding new Section 42.1313, all relating to the San Diego Medical Cannabis Voluntary Verification Card Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:28 p.m. - 3:35 p.m.)

MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

ITEM-52: Global Records Disposition Schedule.

(See City Clerk Report No. 03-03.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/15/2003. (Council voted 9-0):

(O-2003-150) REINTRODUCED AS AMENDED, TO BE ADOPTED
ON MONDAY, OCTOBER 13, 2003

Amending the San Diego Municipal Code by amending Chapter 2, Article 2, Division 26, by amending Sections 22.2604 and 22.2605, all relating to Procedures Governing the Management of the City Records.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:16 p.m. - 3:20 p.m.)

MOTION BY ZUCCHET TO REINTRODUCE THE ORDINANCE AS AMENDED TO CHANGE THE TITLE OF GLOBAL RECORDS DISPOSITION SCHEDULE TO GENERAL RECORDS DISPOSITION SCHEDULE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-53: Refunding of the 1994 San Diego Open Space Park Facilities District No. 1 Refunding Bonds.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/15/2003. (Council voted 9-0):

(O-2004-25) ADOPTED AS ORDINANCE O-19220 (New Series)

Pledging certain amounts paid into the Environmental Growth Fund to Debt Service on San Diego Open Space Park Facilities District No. 1 General Obligation Bonds Refunding Series 2003; approving a form of Paying Agent Agreement and authorizing the appointment of a Paying Agent.

FILE LOCATION: STRT - OS-1, San Diego Open Space Park Facilities
District No. 1 Refunding Bonds (35)

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Inviting Bids and Award of Contract for Sewer Pump Station No. 49 Improvements.

(See memorandum from Frank Belock, Jr. dated 9/2/2003. Mission Valley Community Area. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-326 Cor. Copy) ADOPTED AS RESOLUTION R-298427

Approving the plans and specifications for the construction of Sewer Pump Station No. 49 Improvements (Project) on Work Order No. 176121;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,920,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,237,000 from Sewer Fund 41506, CIP-46-106.0, Sewer Pump Station Restorations, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K04462C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/10/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

Sewer Pump Station No. 49 is located at 2949 Camino del Rio North in the Mission Valley community area. This project is an improvement project to upgrade the existing pump station to current standards and regulations. Much of the existing equipment, including pumps, electrical, and control systems are from the original installation and are generally fatigued.

The project consists of the construction of a new wet well and valve vault, removal and replacement of the existing pumps, rehabilitation of the existing wet well, and construction of approximately 660 feet of parallel dual 4-inch force mains. During the construction of the project, the Contractor's work hours will be between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday.

During design, the project manager and project engineer presented the project to the community in February 6, 2002. In addition, a follow-up letter was sent to the Mission Valley Unified Planning Organization on July 11, 2003, to inform the community of the status of the project. Prior to construction, the nearby residents and businesses will be notified by mail one (1) month

before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution.

FISCAL IMPACT:

The total estimated cost of this project is \$2,529,907. Funding of \$292,907 was previously authorized by Council Resolution R-294420/296239. Funds of \$2,327,000 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. This project is scheduled to be phase funded over FY 2004 to FY 2005.

Loveland/Belock/HR

WWF-04-662.

FILE LOCATION: CONT - TC Construction Co., Inc.; W. O. 176121

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Two actions related to Inviting Bids and Award of Contract for Sewer and Water Group 704.

(See Frank Belock, Jr. memorandum dated 5/21/2003. Kensington and Talmadge Community Areas. District-3.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-142) ADOPTED AS RESOLUTION R-298428

Approving the plans and specifications for the construction of Sewer and Water Group 704 (Project) on Work Order No. 175401/184761;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award the Project contract to the lowest

responsible and reliable bidder in an amount not to exceed \$2,404,901, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,324,936 from Water Fund 41500, CIP-73-083.0, Annual Allocation Water Main Replacement and an amount not to exceed \$1,859,068 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Approving the use of City Forces on the Project for the purpose of providing funds to temporarily cut and plug, make live connections of the water main, install valves and crosses, at a cost not to exceed \$154,455;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (Bid-K04538C)

Subitem-B: (R-2004-143) ADOPTED AS RESOLUTION R-298429

Certifying that Mitigated Negative Declaration No. 41-0831, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer and Water Group 704;

Approving the Mitigated Negative Declaration No. 41-0831;

Adopting the Mitigated Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/28/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

Sewer and Water Group 704 is part of a program established by the City of San Diego mandating the replacement of all cast iron water and concrete sewer mains currently in service. The existing mains were constructed as early as the 1930's and are approaching the end of their useful life. Replacement of these deteriorated and under-sized mains will continue to provide the community with a safe and reliable infrastructure. This project is within the Kensington-Talmadge Community area and involves the replacement of approximately 4,880 linear feet of 8 inch sewer main and 1,000 lineal feet of 12 inch sewer main.

The water portion of this project is an Additive Alternative (this portion may be deleted from the project and not awarded, depending on the bid price). The water portion involves the replacement of approximately 4,325 lineal feet of 8 inch water main and 815 lineal feet of 12 inch water main. The limits of the work affected by the construction operations are shown on the attached location map.

The project also includes resurfacing the streets, installing 35 pedestrian ramps, fire hydrants, etc. Traffic control plans will be submitted by the contractor as shop drawings.

This project was presented to the Kensington -Talmadge Community Planning Committee on 11/14/2001. Prior to finalizing the design, a letter was sent to the community on 4/15/2003, to update them on this project's status and solicit any additional input.

Written notification will be done one month prior to construction and the door hanger distribution one week prior to construction.

FISCAL IMPACT:

The total estimated cost of this project is \$3,184,004. Funds of \$1,859,068 are available in Sewer Fund 41506, CIP 44-001.0, Annual Allocation-Sewer Main Replacement, and \$1,324,936 is available in Water Fund 41500, CIP 73-083.0, Annual Allocation -Water Main Replacement. Included in the total estimate is \$154,455 for City Forces to make temporary cuts and plugs,

make live connections to water mains, install crosse tees and valves, and perform operational checks. This project's sewer portion is scheduled to be phase funded over FY 2004 and FY 2005.

Loveland/Belock/HR.

WWF-03-657

FILE LOCATION: SUBITEMS A & B: W. O. 175401/184761

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Request for Additional Funding for Sewer Group 634B for Contract Change Order No. 2.

(See Frank Belock, Jr. memorandum dated 7/8/2003. Peninsula Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-292) ADOPTED AS RESOLUTION R-298430

Approving Change Order No. 2 between the City of San Diego and LAMBCO Engineering, Inc., for the Construction of Sewer Group 634B (Project), and the changes therein set forth, amounting to a net increase in the contract price of \$198,974, and an extension of time of twenty working days;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$198,974 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation, Pump Station Restoration, to Sewer Fund 41506, CIP-44-001.0, Annual Allocation, Sewer Replacement;

Authorizing an additional expenditure of an amount not to exceed \$198,974 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, for the purpose of providing funds for the Project, provided that the City Auditor

and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/2003, NR&C voted 3 to 0 to approve. (Councilmembers Zucchet, Frye, and Madaffer voted yea. Councilmember Lewis and Inzunza not present.)

SUPPORTING INFORMATION:

On May 28, 2002, the City Manager approved acceptance of the low base bid of \$2,137,402.94 from LAMBCO Engineering, Inc., for construction of Sewer Group 634B, part of the City of San Diego's ongoing concrete sewer main replacement program. Replacement of these deteriorated mains will continue to provide the community with a safe and reliable sewer infrastructure. Construction began on August 8, 2002 and is 80% complete. In May 2003 the contractor defaulted and the bonding company will complete the construction. Due to unanticipated delays in the construction of Pump Station 4, the construction timing overlapped with Sewer Group 634B. Staff decided it was in the best interest of the City to complete artwork component of the Pump Station 4 site as part of Sewer Group 634B. The work includes survey staking, installation of a revised drainage system, footings, pavement, curb, structural steel members, the art structure, and site grading. The funds for this work in the amount of \$198,974 are available in Sewer Fund 41506 and will be paid to the bonding company or replacement contractor.

FISCAL IMPACT:

The total cost of this project is \$2,875,794. Funding of \$2,676,820 was previously authorized by Council Resolutions R-295901 and R-296557. This action is authorizing an additional expenditure of \$198,974 from Sewer Fund 41506, CIP-44-001.0, Sewer Main Annual Allocation. Funds of \$198,974 are available in Sewer Fund 41506, CIP-44-001.0, Sewer Mains Annual Allocation, for this purpose.

Loveland/Bellock/HR.

Aud. Cert. 2400274.

FILE LOCATION: CONT-Lambco Engineering, Inc.

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-103: Acceptance of Funds from a Trustee Sale to the Community Development Block Grant (CDBG) Program.

(Logan Heights, Sherman Heights, Grant Hill, Stockton, Memorial, and Mt. Hope Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-308)

ADOPTED AS RESOLUTION R-298431

Authorizing the acceptance of \$117,679.13 from Alliance Title Company to Community Development Block Grant (CDBG) Program Income Fund 18502;

Authorizing the transfer of \$117,679.13 from CDBG Program Income Fund 18502, to Council District 8 FY 2004 Reserves (Dept. 4286/Org. 8608).

CITY MANAGER SUPPORTING INFORMATION:

In Fiscal Years 1995, 1996, and 1997 Council District 8 allocated a total of \$380,000 of its CDBG funds to Neighbors United. Neighbors United was a community group organized as a nonprofit cooperative working in the Logan Heights, Sherman Heights, Grant Hill, Stockton, Memorial, and Mt. Hope Neighborhoods. Its activities consisted of programs to reduce drug use and gang activity in the neighborhoods, and the establishment of a small food cooperative at 2995 Imperial Ave. The FY 1995 CDBG Funds (\$200,000) were allocated for Neighbors United to acquire a permanent site for the food cooperative. Neighbors United entered into a long term lease, with an option to purchase at 3140 Market Street. With the allocation of FY 1996 CDBG Funds (\$110,000), Neighbors United exercised the purchase option and acquired the site by securing long-term financing.

In April 2003, the City was notified by Neighbors United that they were experiencing financial difficulties and in danger of losing their Market Street property to foreclosure.

On May 22, 2003, the City of San Diego was notified by Alliance Title Company that the building was lost to foreclosure and the City may be entitled to surplus funds as a result of a "Trustee's Sale" of the property owned by Neighbors United. The Trustee's Sale was held on May 21, 2003, the City of San Diego received a check for \$117,679.13 from Alliance Title Company.

This Council action accepts the \$117,679.13 for deposit into the Community Development Block Grant Program. At the request of Deputy Mayor Inzunza, \$117,679.13 is allocated to the District 8 CDBG Reserve account for future CDBG eligible priorities.

Herring/Cunningham/ELL

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Easement Vacation and Abandonment.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-325) ADOPTED AS RESOLUTION R-298432

Authorizing the City Manager to vacate and abandon the sewer easements running across Lots 1 through 4 of Coronado Vista, Map 2568, recorded June 1, 1949, and Lot 1 of Vista La Playa, Map 2769, recorded April 9, 1951.

CITY MANAGER SUPPORTING INFORMATION:

The City obtained sewer easements over Lots 1-4 of Coronado Vista, Map 2568 recorded 6/1/49 and Lot 1 Vista La Playa, Map 2769 recorded 4/9/51. The City has since superseded these

easements across Lots 2-4 of the Coronado Vista map with privatization agreements, and replumbed to the street the sewer lines across the other two lots.

The vacation and abandonment of these easements, as shown on Drawing Number 19936-B and further described on the attached legal descriptions, will clear title to these properties of all unnecessary easements in order to permit better utilization of the property.

FISCAL IMPACT:

None.

Herring/Griffith/BLM

FILE LOCATION: DEED F-9598

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Twelfth Amendment to the Agreement for the Use of the Tijuana Emergency Sewage Connection.

(See memorandum from Scott Tulloch dated 9/3/2003. San Ysidro and Tijuana River Valley Community Areas. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-246) ADOPTED AS RESOLUTION R-298433

Authorizing the City Manager to execute a Twelfth Amendment to the Memorandum of Agreement of July 22, 1991, with the U.S. International Boundary and Water Commission, for the Use of the Tijuana Emergency Sewage Connection.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/10/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

In 1990, the City agreed to treat up to 13 million gallons per day (mgd) of Tijuana sewage in the City's Metropolitan Wastewater System (Metro) as an interim solution to the border sanitation problem, until the International Treatment Facilities were constructed. The City entered into an agreement with the International Boundary and Water Commission (IBWC) on July 22, 1991 to treat Tijuana sewage. The existing agreement expires on September 30, 2003. This Twelfth Amendment will extend the agreement until September 30, 2004.

Phase I of the International Wastewater Treatment Plant, which came on line in May 1997, and the South Bay Ocean Outfall, which was completed in December 1998, can process and dispose of up to 25 mgd of Tijuana sewage. Upgrades to the Tijuana sewage system were completed in late 2000 which included the construction of a new pump station and parallel force main. As a result of these Tijuana system improvements, the emergency connection has not been utilized since September 2000.

However, it is recommended that this agreement be extended for another year to provide a safeguard, should an emergency arise in which it is necessary to divert Tijuana sewage to the Metro System.

FISCAL IMPACT:

In federal Fiscal Year 2004, the IBWC will be charged a rate of \$512.57 per million gallons of flow, plus \$155.94 per thousand pounds of Total Suspended Solids and \$63.56 per thousand pounds of Chemical Oxygen Demand for treatment of Tijuana sewage.

Mendes/Tulloch/CW

FILE LOCATION:

WATER-International Boundary and Water Commission
(IBWC)

COUNCIL ACTION:

(Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Amendment No. 2 to Agreement with Rick Engineering Company for Water Quality Improvements.

(See memorandum from Karen Henry dated April 23, 2003. Clairemont Mesa and Mission Bay Park Community Areas. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-307) ADOPTED AS RESOLUTION R-298434

Authorizing the City Manager to execute, a Second Amendment to the Agreement with Rick Engineering Company, for consultant services for the Rose and Tecolote Creeks Water Quality Improvement Project;

Authorizing the expenditure of an amount not to exceed \$171,650 from CIP-32-050.0, Fund 38351, solely and exclusively for the purpose of providing funds for the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

No action taken. Information item only.

SUPPORTING INFORMATION:

As part of the work program to meet the Mayor and City Council's beach posting and closure reduction goal and improve Mission Bay water quality, the City of San Diego's Storm Water Pollution Prevention Program is implementing water quality improvements within the Rose and Tecolote Creeks watersheds with State grant funds. The selected improvements or Best Management Practices (BMP's) were presented to the Natural Resources and Culture Committee on April 30, 2003.

On November 21, 2001, Rick Engineering Company was hired (Document No. RR-295750) to provide professional engineering services for the Rose and Tecolote Creeks Water Quality Improvements project. Amendment No. 1 to the agreement included additional preliminary engineering, design, environmental clearance, and permitting services for water quality improvements that qualify for \$1.7 million in funding from the Clean Beaches Initiative grant received by the City of San Diego from the State Water Resources Control Board (January 8, 2002 RR-295927). Amendment No. 2 provides supplemental monies for additional modeling and special studies to show how increased circulation at these locations will reduce bacterial concentrations. Subconsultants include: MEC Analytical Systems (environmental study); Dudek and Associates, Inc. (environmental permitting and CEQA documentation); Dexter Wilson Engineering, Inc. (civil engineering).

FISCAL IMPACT:

Funds for this amendment in the amount of \$171,650 are available from a grant received by the State Legislature in February 2001. This amendment will increase the existing contract to a not to exceed amount of \$634,444. The total cost of the project is currently \$3.7 million.

Loveland/Anderson/DL

Aud. Cert. 2400282.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:22 p.m. - 3:28 p.m.)

MOTION BY FRYE TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Point Loma Outfall Project - Agreement with the Regents of the University of California.

(See memorandum from Scott Tulloch dated 9/3/2003).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-106) ADOPTED AS RESOLUTION R-298435

Authorizing the City Manager to execute the Point Loma Outfall project Consultant Agreement with the Regents of the University of California, San Diego (the Agreement) for a period of seven months, contingent upon City Council approval of the originating department's operating budget for Fiscal Year 2004 and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$232,250 from Sewer Revenue Fund 41508 with \$107,250 from Fiscal Year 2003 appropriations and \$125,000 from Fiscal Year 2004 appropriations, for the purpose of funding the Agreement contingent upon City Council approval of the originating department's operating budget for Fiscal Year 2004 and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/10/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

The Point Loma Wastewater Treatment Plant (PLWTP) currently operates under a modified National Pollutant Discharge Elimination System (NPDES) permit authorized in the Federal Clean Water Act and approved by the Environmental Protection Agency. This permit allows Point Loma to use a less costly treatment program than secondary treatment as long as it can be demonstrated that the environment and public health are protected. A critical component of the NPDES permit is a monitoring program that measures compliance with permit standards and

provides information with which to assess current and future effects on the environment. The Point Loma Ocean Monitoring Program has historically been considered one of the most comprehensive of its kind. However, during the permit approval process it was recognized by the City, regulators, and environmental community (Bay Council) that the program would benefit from a thorough scientific review to insure that it employs the latest scientific principles, is capable of addressing new and emerging issues about the ocean ecology, and is able to predict potential effects that may result from possible future increases in effluent discharge.

Regulatory agencies determine the components of the monitoring program. Realizing that such programs have remained the same for years, they are beginning to update them to require three basic elements. These include a core compliance portion, regional surveys and special studies. The City, regulators, and Bay Council have all agreed that the initial special study to be performed under the provisions of this new monitoring framework should be a scientific review of all elements of the Point Loma Ocean Monitoring Program.

Scripps Institution of Oceanography (SIO) is uniquely qualified to carry out this work. After assessing the needs of such a review, SIO put together a team of scientists they feel are appropriate. This team includes Drs. Clinton Winant, Peter Franks, Douglas Bartlett, Lisa Shaffer, Ed Parnell, Lisa Levin, and Paul Dayton. Additionally, other SIO scientists will be available where their specific expertise is required. The final work product will be peer reviewed by a panel that includes, among others, a distinguished representative from the Woods Hole Oceanographic Institution as well as a scientist to be nominated by the Bay Council.

An inherent part of the process will be to solicit input from interested parties. This will ensure that SIO is aware of the issues and can evaluate them in the review and final report. Representatives of the regulatory agencies, Bay Council, and other interested parties will be provided opportunities to meet with the SIO team to provide input.

FISCAL IMPACT:

The total cost of this agreement shall not exceed \$232,250. The total amount shall be encumbered in two phases over two fiscal years: Phase 1 (FY 2003) \$107,250 and Phase 2 (FY 2004) \$125,000.

Mendes/Tulloch/ACL

Aud. Cert. 2301311.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-108: Two actions related to Harbor Drive/North Harbor Drive Interconnect and Normal Street and University Avenue Traffic Signal.

(Centre City and Uptown Community Areas. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-267) ADOPTED AS RESOLUTION R-298436

Authorizing the City Manager to accept Program Supplement No. 11-5004, to the Local Agency-State Agreement for Federal-Aid Project Number CML-5004(047), in the amount of \$266,538 in Fund 38662, Congestion Mitigation and Air Quality Funds (CMAQ);

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-63-028.0, Harbor Drive/North Harbor Drive Interconnect;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for CIP-63-028.0, Harbor Drive/North Harbor Drive Interconnect, by increasing the budget amount by \$314,538, of which \$5,506 is from Fund 38547, Traffic System Management (TSM) and \$309,032 is from Fund 38662, CMAQ;

Authorizing the expenditure of an amount not to exceed \$314,538, of which \$5,506 is from Fund 38547, Traffic System Management (TSM) and \$309,032 is from Fund 38662, CMAQ, solely and exclusively for the purpose of providing funds for the Project design and construction, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2004-288) ADOPTED AS RESOLUTION R-298437

Authorizing the City Auditor and Comptroller to increase the appropriation in CIP-62-326.0, Intersection Hazard Elimination for the installation of a traffic signal at Normal Street and University Avenue by \$12,600, contingent upon receipt of a fully executed Hazard Elimination Safety Grant Fund Program Supplement;

Authorizing the City Auditor and Comptroller to transfer \$100,000 from CIP-68-010.0, Traffic Signals-Citywide, Fund 30300, TransNet, to CIP-62-326.0, Intersection Hazard Elimination, Hazard Elimination Safety Fund;

Authorizing the appropriation and expenditure of an amount not to exceed \$126,000 from CIP-62-326.0, Hazard Elimination Safety Fund, contingent upon receipt of a fully executed Hazard Elimination Safety Grant Fund Program Supplement, and the expenditure of an amount not to exceed \$100,000 from Fund 30300, CIP-62-326.0, Intersection Hazard Elimination, solely and exclusively for the purpose of providing funds for the Project design and construction, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept, appropriate, and expend \$266,538 of CMAQ funds, Fund 38662, for CIP-63-028.0, Harbor Drive/North Harbor Drive Interconnect. This project will install traffic signal interconnect on the following streets:

- 1) North Harbor Drive between Ryan Gate #2 and Grape Street.
- 2) Harbor Drive between Grape Street and Broadway.
- 3) Broadway between Harbor Drive and Pacific Highway.
- 4) Pacific Highway between Ash Street and Grape Street.

In addition, this action authorizes the City Manager to transfer \$100,000 of TransNet funds, Fund 30300, from CIP-68-010.0, Traffic Signals-Citywide to CIP-63-326.0, Intersection Hazard Elimination, Hazard Elimination Safety fund. This action also authorizes the City Manager to accept, appropriate, and expend \$100,000 from Fund 30300 and \$126,000 from Hazard

Elimination Safety Fund, for CIP-63-326.0, Intersection Hazard Elimination for the design and construction of a traffic signal at the intersection of Normal Street and University Avenue.

FISCAL IMPACT:

The total cost of the Harbor Drive/North Harbor Drive Interconnect project is \$314,538, of which \$48,000 is available in CIP-63-028.0, and \$266,538 will be reimbursed by a CMAQ Federal Grant, Fund 38662. The total cost of the Normal Street and University Avenue Traffic Signal project is \$226,000, of which \$100,000 is available in CIP-68-010.0, and \$126,000 will be reimbursed by a Hazard Elimination Safety grant.

Loveland/Belock/PB

Aud. Cert. 2400260.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-109: Appointment and Reappointment to the Southeastern Economic Development Corporation Board of Directors.

(See memorandum from Mayor Murphy dated 9/18/2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-339) ADOPTED AS RESOLUTION R-298438

Nominating the following persons for election to the Southeastern Economic Development Corporation Board of Directors:

NOMINEE

NOMINATED BY

Sharon D. Whitehurst-Payne
(reappointment)

Councilmember Charles Lewis

Charles Simpson
(replacing David R. Poole)

Councilmember Charles Lewis

Declaring that after full and complete public discussion and deliberation, Sharon D. Whitehurst-Payne is hereby re-elected to the Southeastern Economic Development Corporation Board of Directors, for three-year terms ending May 25, 2006;

Declaring that after full and complete public discussion and deliberation, Charles Simpson (replacing David R. Poole, whose term has expired) is hereby elected, to the Southeastern Development Corporation Board of Directors, for three-year terms ending May 25, 2006.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Peters. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Settlement of Personal Injury Claim of David Oganov (A Minor).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-27) ADOPTED AS RESOLUTION R-298439

A Resolution approved by the City Council in Closed Session on Tuesday, June 24, 2003, by the following vote: Peters-yea; Zuchet-yea; Atkins-absent; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$70,000 in the settlement of each and every claim against the City, its agents and employees, arising from the personal injury damage claim of David Oganov (Superior Court Case No. GIC 788561, David Oganov v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue two checks:

1. One check in the sum of \$24,907 made payable to Marina Oganova, Natural Mother and Guardian Ad Litem for David Oganov, Minor, and Catharine Kroger-Diamond; and

2. One check in the sum of \$45,093 made payable to Metropolitan Insurance & Annuity Company in full settlement of the lawsuit and of all claims;

Declaring that said funds are to be payable from Fund No. 81140.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Personal Injury Claim of David Oganov, A Minor, against the City of San Diego, its agents and employees, as a result of an incident which occurred on June 23, 2001.

Lexin/Lopez/JE

Aud. Cert. 2400296.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1435) ADOPTED AS RESOLUTION R-298440

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-112: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-120) ADOPTED AS RESOLUTION R-298441

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency due to economic circumstances
in the San Diego-Tijuana border region

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the
following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea,
Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis
C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-121) ADOPTED AS RESOLUTION R-298442

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis
C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of
implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the
public health threat posed by the sharing of needles and syringes by injection drug users. The
Code requires a local jurisdiction to declare a local emergency due to the existence of a critical
local public health crisis in order to establish a clean needle and syringe exchange program. In
order to permit development and implementation of a pilot clean needle and syringe exchange
program, today's action continues the state of emergency first declared by the City Council on
November 27, 2001.

FILE LOCATION: GEN'L-Local Health Emergency due to the spread of the
Hepatitis C Virus and the Human Immunodeficiency Virus
(HIV)

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- * ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1429) ADOPTED AS RESOLUTION R-298443

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- ITEM-150: Streamlining the Community Input Process for Park Development Projects.

(See City Manager Report CMR-03-138 and letter from Jim Varnadore dated 8/6/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-209) ADOPTED WITH DIRECTION AS RESOLUTION R-298444

Approving the City Manager's recommendations to: (1) endorse the proposed administrative changes structuring the community input process for park development projects as outlined in City Manager Report 03-138; and (2) approve the proposed Council Policy standardizing the community notification and input processes for park development projects.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 8/6/2003, RULES voted 3 to 0 to adopt the resolution. (Councilmembers Maienschein, Madaffer, and Mayor Murphy voted yea. Councilmembers Peters and Inzunza not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:04 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION WITH DIRECTION THAT THE CHAIRS OF THE PLANNING GROUPS ARE TO FILE THE ROSTERS EVERY MARCH AFTER THEIR ELECTIONS FOR THE MOST CURRENT LIST, AND THAT THE PROPOSED COUNCIL POLICY BE AMENDED TO INCLUDE THAT THE DISTRIBUTION GO TO ALL COMMUNITY PLANNING GROUP MEMBERS ON FILE WITH THE PLANNING DEPARTMENT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Mission Hills Library Site Acquisition.

(Mission Hills Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-324) ADOPTED AS RESOLUTION R-298445

Authorizing the City Manager to expend an amount not to exceed \$2,200,000 from CIP-35-096.0, for the acquisition of required property rights and related

costs for a site located at 215 Washington Street for the new Mission Hills Library.

CITY MANAGER SUPPORTING INFORMATION:

The current Mission Hills Library Branch, located at 925 West Washington Street, was built in 1961 and is 3,850 square feet in size. The library is too small to adequately serve the Mission Hills, Old Town and Hillcrest communities in its service area. A new 15,000 square foot facility is currently in the design phase. This new facility will provide a computer lab, community meeting space, special areas designed for children and teens, and expanded general seating and collection space. The size of the project necessitates the acquisition of a new and larger site. This project is consistent with the Uptown Community Plan and the City's General Plan Guidelines. Outcomes from community workshops overwhelmingly favored the proposed site at 215 Washington Street. An offer, contingent upon City Council approval, has been offered and accepted by the property owner.

This action will approve the expenditure of funds and authorize the acquisition of the new library site.

FISCAL IMPACT:

Funds in the amount of \$2,200,000 are available in CIP-35-096.0 .

Herring/Griffith/BLM

Aud. Cert. 2400304.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:44 p.m. - 2:52 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Zucchet. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**ITEM-201: HEARING HELD; REFERRED TO CLOSED SESSION ON TUESDAY,
SEPTEMBER 30, 2003**

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiators: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert J. Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session, and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

Mayor Murphy closed the Hearing.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 3:14 p.m. - 3:15 p.m.)

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the Tuesday, March 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/26/2003	158	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	10/1/2003	153	Rules Committee review
Monday	10/27/2003	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/03/2003 through	120 to	Council adopts propositions for ballot & directs City Attorney
Monday	11/17/2003	106	to prepare ordinances
Monday	11/24/2003	99	Council adopts ordinances prepared by City Attorney
Friday	12/05/2003	88	Last day for City Clerk to file with Registrar of Voters <u>all</u> elections material
Thursday	12/18/2003	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ITEM-S400: Appointments to the Pension Reform Committee.

(See memorandum from Mayor Murphy dated 9/24/2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-350)

ADOPTED AS RESOLUTION R-298446

Council confirmation of the following appointments by the Mayor to serve as members of the Pension Reform Committee:

NAME

CATEGORY

C. April Boling

Taxpayer Advocate

Stanley A. Elmore

City Retiree

Judith M. Italiano

City Employee

Richard H. Vortmann

Retirement Board Member - Pension

Stephen Austin

Citizen - Defined Benefit Plan Experience

Robert K. Butterfield

Citizen - Defined Benefit Plan Experience

Timothy M. Considine

Citizen - Defined Benefit Plan Experience

William J. Sheffler

Citizen - Defined Benefit Plan Experience

Kathleen A. Walsh-Rotto

Citizen - Defined Benefit Plan Experience

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. - 2:43 p.m.)

MOTION BY MAIENSCHIEIN TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S401: The Neurosciences Institute Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-197) ADOPTED AS RESOLUTION R-298447

Declaring Saturday, October 4, 2003 to be widely known as "The Neurosciences Institute Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: Senior Community Centers Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-343) ADOPTED AS RESOLUTION R-298448

Commending Senior Community Centers for its commitment to provide seamless support to the community's most vulnerable population, which is at-risk seniors;

Proclaiming September 24, 2003 to be "Senior Community Centers Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S403: Burlingame Club 90th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-344) ADOPTED AS RESOLUTION R-298449

Commending the Burlingame Club for its commitment to provide fellowship opportunities for the residents of Burlingame, as well as charitable and civic services to all San Diegans;

Proclaiming October 5, 2003 to be "Burlingame Club 90th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:23 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:38 p.m. in honor of the memory of:

Maria Theodore as requested by Mayor Murphy and Council Member Madaffer.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 3:36 p.m. - 3:38 p.m.)